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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

This Document Relates to:  
  
ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,  
INC., RASIER, LLC, RASIER-CA, LLC'S  
STATEMENT IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIALS  
SHOULD BE SEALED [ECF NO. 2439]**

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

**DEFENDANTS' STATEMENT IN SUPPORT OF SEALING****CONFIDENTIAL MATERIALS**

Pursuant to Civil Local Rules 79-5(f)(3) and (c)(1) and the Protective Order entered in this case dated December 28, 2023, ECF 176 ("Protective Order"), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively "Uber"), respectfully submit this statement in support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Material Should Be Filed Under Seal, dated March 5, 2025, ECF 2439 ("Plaintiffs' Motion(s)").

**I. BACKGROUND AND REQUESTED SEALING**

Plaintiffs' Motion concerns four documents:

Document	Description	Uber's Request	Designating Party
[Unredacted] Plaintiffs' Motion to Compel	Portion of briefing referring to documents and information designated confidential or highly confidential	Narrowed Redactions	Uber
[Unredacted] Declaration of Roopal P. Luhana	Portion of declaration referring to documents and information designated confidential or highly confidential	No Redactions	Uber
Exhibit A to Declaration of Roopal P. Luhana	1/27/25 Letter from V. Gromada	Redacted Version Filed on Docket	Uber
Exhibit B to Declaration of Roopal P. Luhana	1/31/25 Declaration of William Anderson	No Redactions	Uber
Exhibit C to Declaration of Roopal P. Luhana	Uber-produced document bates stamped UBER_JCCP_MDL002274069-77	Maintained Under Seal	Uber
Exhibit D to Declaration of Roopal P. Luhana	Uber-produced document bates stamped UBER_JCCP_MDL002273895-907	Maintained Under Seal	Uber
Exhibit E to Declaration of Roopal P. Luhana	Uber-produced document bates stamped UBER_JCCP_MDL002563882-93	Maintained Under Seal	Uber
Exhibit F to Declaration of Roopal P. Luhana	Uber-produced document bates stamped UBER_JCCP_MDL002267525-28	Maintained Under Seal	Uber

1 The documents at issue were cited in, or filed with, a brief on the production of policy  
2 documents and filed under seal by Plaintiffs on March 5, 2025 (ECF 2438, 2439).

3 These documents consist of confidential, non-public, internal business documents detailing  
4 proprietary business policies and procedures and, for one document, non-public email addresses of  
5 Uber employees. *See* Cummings Decl. ¶¶ 2-7. Disclosure of these documents would harm Uber’s  
6 competitive standing. Uber therefore submits this statement requesting that the Court seal the exhibits  
7 under Local Rule 79-5(f)(3).

## 8 **II. LEGAL STANDARD**

9 Documents which do not relate directly to the merits of a case are properly sealed when a  
10 moving party makes “a particularized showing under the good cause standard of Rule 26(c).”  
11 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations  
12 and citations omitted); *see also* *Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02  
13 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing  
14 an order to seal is necessary to “protect a party or person from annoyance, embarrassment, oppression,  
15 or undue burden or expense.” Fed. R. Civ. P. 26(c).

16 The documents here are related to briefing on the production of policy documents; they are not  
17 related to a dispositive motion. *See United States v. Selugh*, 896 F. 3d 1007, 1015 (9th Cir. 2018);  
18 *Brown v. Google LLC*, 2022 WL 4227545, at \*1; *Adtrader, Inc. v. Google LLC*, 2020 WL 6387381 at  
19 \*1 (N.D. Cal. Feb. 24, 2020). Therefore, the good cause standard applies. Discovery motion materials  
20 “are actually one step further removed in public concern from the trial process than the discovery  
21 materials themselves.” *Selugh*, 896 F. 3d at 1015. District Courts have discretion to balance the  
22 interests of private parties and public disclosure when deciding to seal documents. *Kamakana*, 447  
23 F.3d at 1180.

24 Courts, including this Court, regularly seal confidential internal business policies under the  
25 good cause standard. *See* Sept. 3, 2024 Order, ECF 1559 at 2 (sealing documents with “substantive  
26 information about Uber’s internal policies”); *see also, e.g. Adtrader, Inc. v. Google LLC*, 2020 WL  
27 6395528, at \*2 (N.D. Cal. Feb. 11, 2020) (sealing Google policies and other documents related to  
28

advertisements and payments); *Charles v. Target Corp.*, 2022 WL 3205047, at \*3 (N.D. Cal. July 6, 2022) (sealing document “detailing Target’s internal policies and procedures for guest incidents”); *Willis v. Colgate Palmolive Co.*, 2023 WL 11915708, at \*5 (C.D. Cal. Jan. 5, 2023) (sealing documents that referred to pricing, sales data, and internal policy information); *Tetrault v. Cap. Grp. Companies Glob.*, 2023 WL 11876965, at \*1-\*2 (C.D. Cal. July 14, 2023) (sealing ethics policies and employee handbooks); *Mendell v. Am. Med. Response, Inc.*, 2021 WL 778624, at \*3 (S.D. Cal. Mar. 1, 2021) (sealing internal policies for call center, including scripts). Sealing is justified based on the risk of competitive harm when public disclosure would provide competitors insight into a party’s “internal systems and operations, including details related to internal projects and their proprietary functionalities.” *Calhoun v. Google LLC*, 2022 WL 1122843, at \*2 (N.D. Cal. Apr. 14, 2022). Information about internal systems and operations can place a company “at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise [the company’s] systems.” *Id.* at \*2.

Good cause to seal also exists where the relevant documents are already protected from disclosure in a separate court proceeding and sealing is necessary to “avoid disparate treatment.” *In re Xyrem (Sodium Oxybate) Antitrust Litig.*, 2023 WL 3874024, at \*2 (N.D. Cal. June 6, 2023); *Netlist Inc. v. Samsung Elec. Co., Ltd.*, 2024 WL 2429346, at \*1 (C.D. Cal. May 8, 2024) (finding “good cause to seal . . . information from sealed court records from another case”).

“Courts in this circuit routinely seal email addresses and other personal identifying information under the compelling reasons standard due to the potential privacy harm to the individual whose contact information may be exposed.” *Jones v. PGA Tour, Inc.*, 2023 WL 7434197, at \*2 (N.D. Cal. Oct. 5, 2023); *see also In re Pac. Fertility Ctr. Litig.*, 2021 WL 1082843, at \*2 (N.D. Cal. Mar. 12, 2021) (noting that “there are compelling reasons to seal customer names, . . . as well as employee email addresses”).

### III. UBER’S MATERIAL SHOULD BE KEPT UNDER SEAL

The documents at issue were cited in, or filed with, a brief on the production of policy documents. These documents consist of confidential, non-public, internal business documents

1 detailing proprietary business policies and procedures and, for one document, non-public email  
 2 addresses of Uber employees. *See* Cummings Decl. ¶¶ 2-7. Uber has a legitimate interest in sealing  
 3 these documents in order to avoid harm to Uber’s competitive standing. There are no less restrictive  
 4 alternatives to sealing the documents. *See id.* ¶¶ 2-8.

#### 5 **A. Failing to Seal the Documents Would Harm Uber**

##### 6 **[Unredacted] Plaintiffs’ Motion to Compel**

7 This document is Plaintiffs’ Motion to Compel Production of Policy Documents and  
 8 supporting brief, filed under seal on March 5, 2025 (ECF 2438, 2439).

9 Uber does not seek to maintain under seal the current redactions on page 1 and page 2 (through  
 10 line 2) and page 3 (beginning with line 18) through page 4. Uber attaches a version of this document  
 11 with narrowed redactions as Exhibit 1 to this filing.

12 The redactions which Uber seeks to maintain are found on page 2 (beginning with line 12)  
 13 through page 3 (through line 17)—citing and pasting screenshots of Uber’s confidential internal policy  
 14 documents. The redacted portions provide details regarding four different internal Uber policy and  
 15 procedure documents, including their names, details regarding their contents, and screenshots from  
 16 the documents. The redacted portions include non-public, proprietary information, including, for  
 17 example, details on how Uber employees can identify suspected fraud. Uber has expended significant  
 18 resources developing its internal policies and procedures. Therefore, disclosure of this information  
 19 risks harm to Uber through its competitors utilizing the information and copying processes. The  
 20 information could also be used to manipulate Uber’s reporting process or to evade detection of fraud.  
 21 *See* Cummings Decl. ¶ 2. The redacted portions detailing Uber’s internal policies and procedures  
 22 should be maintained under seal. *See* Sept. 3, 2024 Order, ECF 1559 at 2; *see also, e.g. Adtrader,*  
 23 *Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5;  
 24 *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL  
 25 1122843, at \*2.

#### 26 **Exhibit A: January 27, 2025 Letter from V. Gromada**

27 This document is an exhibit to the Declaration of Roopal P. Luhana in Support of Plaintiffs’  
 28

1 Motion to Compel Production of Policy Documents, filed under seal on March 5, 2025 (ECF 2438,  
2 2439).

3 Uber does not seek to maintain this document under seal in its entirety. Instead, Uber requests  
4 that a portion of footnote 1 on pages 4 and 5 be redacted and maintained under seal. Uber attaches a  
5 redacted version of this document as Exhibit 2 to this filing.

6 This document is a letter to Plaintiffs' counsel from Uber's counsel Veronica Gromada. The  
7 redacted portion of this letter cites to and quotes from the transcript from another case in which  
8 Plaintiffs' counsel here, Bret Stanley, was opposing counsel, and in the JCCP. Those transcripts are  
9 subject to a protective order which prohibits their public disclosure. The redacted portion also contains  
10 questioning and testimony detailing Uber's process for making and communicating policy changes.  
11 *See* Cummings Decl. ¶ 3. *See In re Xyrem*, 2023 WL 3874024, at \*2; *Netlist Inc.*, 2024 WL 2429346,  
12 at \*1; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*,  
13 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3;  
14 *Calhoun*, 2022 WL 1122843, at \*2.

15 **Exhibit C: Document Bates-stamped UBER\_JCCP\_MDL002274069-77**

16 This document is an exhibit to the Declaration of Roopal P. Luhana in Support of Plaintiffs'  
17 Motion to Compel Production of Policy Documents, filed under seal on March 5, 2025 (ECF 2438,  
18 2439).

19 This document is an internal guide document titled "[Global Safety] Taxonomy | Categories  
20 and Definitions." It was produced by Uber in this litigation, Bates stamped as  
21 UBER\_JCCP\_MDL002274069-77, and designated as Confidential pursuant to the protective order in  
22 this litigation. The document provides guidance on the application of Uber's policies, namely its  
23 Global Safety Taxonomy, on a range of issues, such as "vehicle crash or claim." The guidance  
24 explains how Uber's Taxonomy is applied in particular situations, such as how to categorize reports  
25 of Uber Eats drivers suspected of stealing food. While Uber has publicly disclosed a general overview  
26 of its Global Safety Taxonomy in its U.S. Safety Reports, the information in this document is not  
27 publicly available. This policy guidance in this document is non-public, proprietary information. Uber  
28

1 has expended significant resources developing its internal policies and procedures and related  
 2 guidance documents, such as this document. Therefore, disclosure of this document risks harm to  
 3 Uber through its competitors utilizing the information and copying processes. The information in this  
 4 document could also be used to manipulate Uber's reporting process. *See* Cummings Decl. ¶ 4. This  
 5 document should be maintained under seal. *See* Sept. 3, 2024 Order, ECF 1559 at 2; *see also, e.g.*  
 6 *Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL  
 7 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*,  
 8 2022 WL 1122843, at \*2.

9 **Exhibit D: Document Bates-stamped UBER\_JCCP\_MDL002273895-907**

10 This document is an exhibit to the Declaration of Roopal P. Luhana in Support of Plaintiffs'  
 11 Motion to Compel Production of Policy Documents, filed under seal on March 5, 2025 (ECF 2438,  
 12 2439).

13 This document is an internal guide document titled "[Global Safety] Potential Safety Concern."  
 14 It was produced by Uber in this litigation, Bates stamped as UBER\_JCCP\_MDL002273895-907, and  
 15 designated as Confidential pursuant to the protective order in this litigation. The document provides  
 16 guidance on the application of Uber's policies, namely its policies on handling reports of safety  
 17 concerns or potential safety concerns, such as suspected drug dealing or an unauthorized guest of a  
 18 driver in the vehicle. The document provides detailed guidance on how to classify various reported  
 19 factual scenarios. The document also provides numerous examples of qualifying and non-qualifying  
 20 examples of reports for each category of safety concern. This policy guidance in this document is not  
 21 publicly available and is proprietary information. Uber has expended significant resources developing  
 22 its internal policies and procedures and related guidance documents, such as this document. Therefore,  
 23 disclosure of this document risks harm to Uber through its competitors utilizing the information and  
 24 copying processes. The information in this document could also be used to manipulate Uber's  
 25 reporting process. *See* Cummings Decl. ¶ 5. This document should be maintained under seal. *See*  
 26 Sept. 3, 2024 Order, ECF 1559 at 2; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*,  
 27 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2;



1 *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL 1122843, at \*2.

2 **Exhibit E: Document Bates-stamped UBER\_JCCP\_MDL002563882-93**

3 This document is an exhibit to the Declaration of Roopal P. Luhana in Support of Plaintiffs’  
4 Motion to Compel Production of Policy Documents, filed under seal on March 5, 2025 (ECF 2438,  
5 2439).

6 This document is an internal guide document titled “[US&C] Safety Support Resources.” It  
7 was produced by Uber in this litigation, Bates stamped as UBER\_JCCP\_MDL002563882-93, and  
8 designated as Confidential pursuant to the protective order in this litigation. The document provides  
9 guidance on Uber’s reporting futures and various features within its internal systems, tools, and  
10 policies, within the broad categories of trip identification, account actions, communication, and  
11 escalations. For example, the document provides detailed guidance on topics such as escalating  
12 contacts from Tier 1 to Tier 2 agents and resolving duplicate reports. This policy guidance in this  
13 document is not publicly available and is proprietary information. Uber has expended significant  
14 resources developing its internal policies and procedures and related guidance documents, such as this  
15 document. Therefore, disclosure of this document risks harm to Uber through its competitors utilizing  
16 the information and copying processes. The information in this document could also be used to  
17 manipulate Uber’s reporting process. *See Cummings Decl.* ¶ 6. This document should be maintained  
18 under seal. *See Sept. 3, 2024 Order*, ECF 1559 at 2; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528,  
19 at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL  
20 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL 1122843, at \*2.

21 **Exhibit F: Document Bates-stamped UBER\_JCCP\_MDL002267525-28**

22 This document is an exhibit to the Declaration of Roopal P. Luhana in Support of Plaintiffs’  
23 Motion to Compel Production of Policy Documents, filed under seal on March 5, 2025 (ECF 2438,  
24 2439).

25 The metadata page of this exhibit contains numerous non-public email addresses of Uber  
26 employees. While the entire document should be sealed, at a minimum, these email addresses should  
27 be redacted. *Jones* 2023 WL 7434197, at \*2; *In re Pac. Fertility Ctr. Litig.*, 2021 WL 1082843, at \*2.



This document is a draft policy document titled “US & Canada Quality Management Central Review Process.” It was produced by Uber in this litigation, Bates stamped as UBER\_JCCP\_MDL002267525-28, and designated as Confidential pursuant to the protective order in this litigation. It contains the details of Uber’s interpersonal conflict policy and how reports within the scope of this policy are handled, including reviews for deactivations of independent drivers. The information in this documents is confidential, non-public, and proprietary. Uber has expended significant resources developing its internal policies and procedures and related guidance documents, such as this document. Therefore, disclosure of this document risks harm to Uber through its competitors utilizing the information and copying processes. *See Cummings Decl.* ¶ 7. This document should be maintained under seal. *See* Sept. 3, 2024 Order, ECF 1559 at 2; *see also, e.g. Adtrader, Inc.*, 2020 WL 6395528, at \*2; *Charles*, 2022 WL 3205047, at \*3; *Willis*, 2023 WL 11915708, at \*5; *Tetrault*, 2023 WL 11876965, at \*1-\*2; *Mendell*, 2021 WL 778624, at \*3; *Calhoun*, 2022 WL 1122843, at \*2.

#### **B. Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm**

No less restrictive alternative to sealing the documents at issue is sufficient. *See Cummings Decl.* ¶ 2-9. Uber has already substantially narrowed its request to seal from the material in Plaintiffs’ Motion by narrowing the redactions in one document, not requesting to seal or redact two documents, and proposing a narrow redaction to one document rather than sealing it in full. Actions short of sealing the documents requested by Uber would not protect Uber’s competitive standing and the legitimate privacy interests of Uber employees.

#### **IV. CONCLUSION**

For the foregoing reasons, Uber respectfully requests that the Court order that these documents listed above be maintained under seal.

DATED: March 11, 2025

Respectfully submitted,

**SHOOK HARDY & BACON L.L.P.**

By: /s/ Veronica Gromada  
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